

### **REMARKS**

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Final Office Action mailed on August 12, 2005. Claims 1, 3-8, 10, 11, 13-26, 28-31, 33-40, 42 and 44 are rejected. Claims 1, 8, 11, 26, 31, 40, 42 and 44 have been amended. No new matter has been added. Therefore, claims 1, 3-8, 10, 11, 13-26, 28-31, 33-40, 42 and 44 are presented for examination.

### **Claim Rejections**

The Examiner rejected claims 1, 3-8, 10-11, 13, 16, 19, 23-26, 28, 31, 33-34, 36, 40, 42, and 44 as being anticipated by Bugnion et al, (U.S. Patent No. 6,496,847, hereinafter "Bugnion"). Applicant does not admit that Bugnion is prior art and reserves the right to swear behind the reference at a later date. Regardless, Applicant respectfully submits that claims 1, 3-8, 10-11, 13, 16, 19, 23-26, 28, 31, 33-34, 36, 40, 42, and 44 are not anticipated by Bugnion.

The Examiner rejected claims 14-15, 17-18, 20-22, 29-30, 35 and 37-39 as being unpatentable under 35 U.S.C. § 103(a) over Bugnion in view of Lim, et al., (U.S. Patent No. 6,795,966, hereinafter "Lim"). Applicant does not admit that Lim is prior art and reserves the right to swear behind the reference at a later date. Regardless, Applicant respectfully submits that Bugnion and Lim, either individually or in combination, do not teach or suggest each and every limitation of the rejected claims.

Bugnion discloses a host operating system 340 and a virtual machine monitor (VMM) 360 existing in parallel at a system level on hardware 110 (Bugnion, col. 7, lines 13-17, FIG. 3). Bugnion further discloses a device emulator 300 that runs on top of the host operating system 340 (Bugnion, col. 7, lines 13-17, FIG. 3). The VMM 360 handles the virtualization

of the core computer components such as the processor and memory management unit, while the device emulator 300 “virtualizes I/O devices” (Bugnion, col. 7, lines 21-25).

In other words, Bugnion discloses having various physical system devices and a device emulator that emulates the functionality of the various system devices. Bugnion does not teach or suggest having a software component of a soft device that controls a residual fixed function hardware device represented by a hardware component of the soft device, as claimed in the presently claimed invention. Thus, Bugnion does not teach or suggest the features of the present invention that are included in the following language of claim 1:

... implementing a software component of the soft device in a virtual machine monitor as a soft device driver, the soft device driver controlling a residual fixed function hardware device represented by a hardware component of the soft device; and  
making the soft device available for use by one or more virtual machines coupled to the virtual machine monitor.

Similar language is also included in independent claims 8 and 40. Accordingly, independent claims 1, 8 and 40, and their corresponding dependent claims, are not anticipated by Bugnion. Therefore, Applicant respectfully asserts that claims 1, 3-8, 10 and 40 are in condition for allowance, and requests that the Examiner remove his rejections under 35 U.S.C. § 102(e).

With respect to claim 11, as discussed above, Bugnion does not teach or suggest having a software component of a soft device that controls a residual fixed function hardware device represented by a hardware component of the soft device, as claimed in the presently claimed invention. These features are also missing from Lim. Thus, Bugnion and Lim, taken alone or in combination, do not teach or suggest the features of the present invention that are included in the following language of claim 11:

... implementing a software component of the soft device in a first virtual machine, the software component controlling a residual fixed function hardware

device represented by a hardware component of the soft device; and  
making the soft device available for use by a second virtual machine.

Similar language is also included in independent claims 26, 31, 42 and 44.

Accordingly, independent claims 11, 26, 31, 42 and 44, and their corresponding dependent claims, are patentable over Bugnion and Lim, taken alone or in combination. Therefore, Applicant respectfully asserts that claims 11, 13-26, 28-31, 33-39, 42 and 44 are in condition for allowance, and requests that the Examiner remove his rejections under 35 U.S.C. §§ 102(e) and 103(a).

### **Conclusion**

Accordingly, Applicant respectfully requests the withdrawal of the rejections and submits that pending claims 1, 3-8, 10, 11, 13-26, 28-31, 33-40, 42 and 44 are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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